

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>JESSIE HODGES,</b> <div style="text-align: right; padding-right: 20px;"><b>Plaintiff,</b></div>	)	
	)	
	)	<b>C.A. No. 23-3 Erie</b>
	)	
<b>v.</b>	)	<b>District Judge Susan Paradise Baxter</b>
	)	<b>Magistrate Judge Richard A. Lanzillo</b>
<b>NATHAN BURKHART, et al.,</b> <div style="text-align: right; padding-right: 20px;"><b>Defendants.</b></div>	)	

**MEMORANDUM ORDER**

Plaintiff Jessie Hodges, an adult resident of Erie County, Pennsylvania, initiated this *pro se* civil rights action on January 6, 2023, by filing a motion to proceed *in forma pauperis* (“IFP motion”) accompanied by a complaint pursuant to 42 U.S.C. § 1983 against Erie County Probation Officer Nathan Burkhart (“Burkhart”) and Erie City Police Department (“EPD”). Plaintiff’s IFP motion was granted by Order dated March 30, 2023 [ECF No. 2], and Plaintiff’s complaint was docketed on March 31, 2023 [ECF No. 4]. Liberally construed, the complaint appears to allege claims of false arrest, false imprisonment, due process violations, over-detention, and a *Monell* claim alleging an illegal policy and practice of issuing a summons without first giving notice to a criminal defendant.

On August 15, 2023, Defendant Burkhart filed a motion to dismiss Plaintiff’s complaint for failure to state a claim upon which relief may be granted [ECF No. 12]. Thereafter, on September 8, 2023, Defendant EPD filed its own motion to dismiss for failure to state a claim [ECF No. 15]. Plaintiff was ordered to file a response to Defendants’ motions by October 30, 2023 [ECF No. 19]. Plaintiff was subsequently granted an extension to November 30, 2023, by

Order dated October 19, 2023 [ECF No. 22]. No response was filed by this date. Instead, on November 30, 2023, Plaintiff filed a notice of change of address [ECF No. 25], which did not indicate when the change occurred. So, out of an abundance of caution, the Court sent to Plaintiff's updated address a new response order giving Plaintiff until February 9, 2024, to file a response to Defendants' motions [ECF No. 26]. Still, Plaintiff did not file a timely response. As a result, the Court issued a show cause order directing Plaintiff to file a response to Defendants' motions by March 18, 2024 or suffer dismissal of this case for failure to prosecute [ECF No. 27]. Nonetheless, Plaintiff has not filed a response, nor has he otherwise communicated with the Court.

AND NOW, this 19th day of March, 2024;

IT IS HEREBY ORDERED that this case is DISMISSED for Plaintiff's failure to prosecute, and Defendants' motions to dismiss [ECF Nos. 12 and 15] are DISMISSED as moot. The Clerk is directed to mark this case CLOSED.

  
SUSAN PARADISE BAXTER  
United States District Judge